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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,435	01/17/2002	Franz Petschauer	ANDPAT/159/US	3524
2543	7590	03/17/2004	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			CHIN, PETER	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/053,435

Applicant(s)

PETSCHAUER ET AL.

Examiner

Peter Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 16-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/12/2004 has been entered.

2. Claims 14,16-27 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the newly added limitation apparatus for pressure loading the outlet end of the first wedge zone.

3. The amendment filed 1/12/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: There is no support for element 30 as a pressure loading apparatus. There also no support in the drawings for the pressure loading device or for the element identified as a pressure loading device in amended Figure 3.

Applicant is required to cancel the new matter in the reply to this Office Action.

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4. Claims 14,16-18, rejected under 35 U.S.C. 102b as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Upson (1,707,375).

The claims are rejected for the reasons given in the Office Action, Paper No.5, mailed 1/27/2003. In regard to the newly added limitation, "apparatus for pressure loading the outlet of the first wedge zone" reads on the screw 7 attached to frames 8 and 9 that support compression surfaces A and B and which carry the bearings of shafts 4 and 6 of sprockets 5 and 6 respectively. Sprockets are located at the rear portion of the gap former and thus located in the "outlet zone" of the gap. The screw adjusts the compression surfaces and in the absence of any further positive structural limitations defining the "outlet zone", the screw reads on and thereby anticipates or obviously reads on the claimed pressure device in the outlet zone. No patentable weight as to the limitation of the basis weight of the board formed by the apparatus as this limitation is merely a recitation of the intended use of the apparatus. In any case, as noted during prosecution of this application, the basis weight would have been obvious in view of the fact that it is standard in the art, as admitted by applicant and the fact is that Upson is making board with his machine. See page 3 of the Office Action.

5. Claims 14,16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admission of prior art with Upson (1,707,375), Thomas (2,881,670 or 2,881,676) with Csordas (3,929,065), Skoldkvist (3,595,744).

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The claims are rejected for the reasons given in the Office Action, Paper No. 5, mailed 1-27-2003. In regard to the newly added limitation, " apparatus for pressure loading the outlet of the first wedge zone":

Upson shows this limitation as noted above.

Thomas (670) press rolls 37 and 38, which extend to the rear of the former, read on the claimed limitation. Alternatively, the adjustable doctor 27 (of suction slice 26), which controls the degree of pressure on wire 20 and regulates gap G at the converging end of the wedge shaped zone Z between the wires, reads on the claimed limitation (column 3, lines 48-68.

Thomas (676) slices 52,54 or 55 which exert pressure on the top forming wire towards the rear of the wedge zone or alternatively press rolls 39 and 40.

6. Applicant's arguments have been considered but are deemed unpersuasive of patentability. It is urged that the present invention allows the gap width to vary so as to maintain constant pressure. This allegation is more specific than limitations in the claims and thus, no patentable weight is afforded the claims by this allegation. The remaining argument concerning the pressure device in the outlet zone is answered above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (571) 272-1186. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter Chin  
Primary Examiner  
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